

REMARKS

Applicants submit this Reply in response to the Final Office Action mailed July 23, 2009. Claims 17-48 are pending in this application, of which claims 17 and 34 are independent. By this Reply, Applicants have amended claims 17 and 34. No new matter has been added.

In the Office Action, the Examiner rejected claims 17-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2003/0025238 ("Ogawa") in view of at least one of U.S. Pat. App. Pub. No. 2005/0017387 ("Harris"), U.S. Pat. No. 3,782,428 ("Cartwright"), U.S. Pat. No. 1,827,416 ("Birdsall"), and U.S. Pat. No. 3,854,629 ("Blieberger").

Applicants have amended independent claim 17 to recite, among other things:

A process for manufacturing elastomeric components of a tyre for a vehicle wheel, the process comprising: . . . exerting a counter-pressure inside the delivery member for a period of time after stopping the feeding such that the pressure inside the delivery member drops to between about 10 bars and about 50 bars, wherein the counter-pressure and the period of time are predetermined to result in the elastomeric material inside the delivery member reaching a sufficient pressure to ensure reproducibility of the elongated element;

Applicants have similarly amended independent claim 34. Support for these amendments can be found in Applicants' specification at least at page 5, line 17-page 6, line 5 and page 15, lines 12-35.

Applicants respectfully traverse all pending rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 17-48 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of at least one of Harris, Cartwright, Birdsall, and Blieberger. Applicants respectfully submit that the rejection statement fails to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, none of Ogawa, Harris, Cartwright, Birdsall, and Blieberger, alone or in any combination, teach or suggest every feature of Applicants' claims. Specifically, none of the references cited by the Examiner teach or suggest "exerting a counter-pressure inside the delivery member for a period of time after stopping the feeding such that the pressure inside the delivery member drops to between about 10 bars and about 50 bars, wherein the counter-pressure and the period of time are predetermined to result in the elastomeric material inside the delivery member reaching a sufficient pressure to ensure reproducibility of the elongated element," as recited in amended independent claim 17. Similar features are recited in amended independent claim 34.

According to some embodiments, it may be desirable to quickly reduce the pressure within the delivery member to about 10-50 bars after completion of material extrusion. As explained in Applicants' specification, exerting a counter-pressure inside the delivery member for a sufficient period of time such that the residual pressure of the extruded material reaches about 10-50 bars promotes a reproducibility of the extruded product between delivery cycles of the feed material. Specifically, the specification states:

When extrusion is over, i.e. when a working cycle has been completed, both the residual pressure value and the relaxation time of such a pressure mainly depend on the viscoelastic properties of the elastomeric material and the geometry of the extrusion ducts. All these possible variables do not ensure a reproducibility of the extruded product and therefore a good repeatability of the delivery cycles, unless a sufficient time has elapsed after stopping of the delivery member, so as to reach an acceptable value of the residual pressure, in the order of 10-50 bars for example [B]y imposing a predetermined pressure drop within a predetermined and very reduced period of time . . . not only an optimal reproducibility of the features of the extruded product can be achieved, but in addition this reproducibility can be obtained without substantially stopping delivery of the extruded product for a period longer than the time required for positioning a subsequent tyre in the same working station.

Specification at page 5, line 17-page 6, line 5.

In the non-final Office Action dated October 2, 2008 ("Previous Office Action"), the Examiner acknowledged that "Ogawa does not . . . describe exerting a counter pressure inside the delivery members after stopping feeding." Previous Office at page 2. However, the Examiner contended that Harris, Cartwright, Birdsall, and Blieberger each disclose the exertion of a counter-pressure "to effect the feeding of the material after stoppage." Id. at page 3. But, as acknowledged by the Examiner, the object of the counter-pressure described in these references is "to allow better control of material

discharge at the completion of the desired discharge." Id. The counter-pressures described in Harris, Cartwright, Birdsall, and Blieberger are not "predetermined" to result in the elastomeric material inside the delivery member reaching a sufficient pressure to ensure reproducibility of the elongated element."

In response to this deficiency, the Examiner contends in the final Office Action that, "it [has] not been clearly asserted or shown that a pressure to ensure 'optimal reproducibility' is not also a pressure that is required to prevent leakage, i.e. that the other reproducibility advantages are not simply additional advantages following a pressure selection designed to prevent material leakage." Final Office Action at page 4-5. Nevertheless, and even assuming, *arguendo*, that the counter-pressure necessary to ensure reproducibility of the extruded product and a pressure needed to prevent leakage were the same (a notion with which Applicants disagree), no reference cited by the Examiner teaches or suggests a method comprising the step of "exerting a counter-pressure inside the delivery member for a period of time after stopping the feeding such that the pressure inside the delivery member drops to between about 10 bars and about 50 bars, wherein the counter-pressure and the period of time are predetermined to result in the elastomeric material inside the delivery member reaching a sufficient pressure to ensure reproducibility of the elongated element," as recited in amended independent claims 17 and 34. Because no reference cited by the Examiner contemplates exerting a counter-pressure for the express purpose of ensuring optimal reproducibility, no method disclosed by those references teaches or suggests a counter-pressure and period of time "predetermined" to accomplish this goal.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of amended independent claims 17 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Harris, Cartwright, Birdsall, or Blieberger. Moreover, claims 18-33 and 35-48 depend from independent claims 17 and 34, respectively, and thus, contain all the elements and recitations thereof. As a result, dependent claims 18-33 and 35-48 are allowable at least due to their corresponding dependence from independent claims 17 and 34.

Claim Scope

It is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6435.

Applicant respectfully notes that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

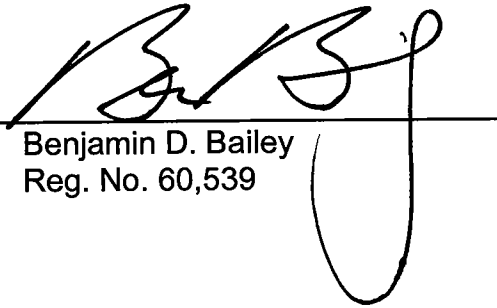
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 22, 2010

By: _____

Benjamin D. Bailey
Reg. No. 60,539

A handwritten signature in black ink, appearing to be 'B. Bailey', is written over a horizontal line. A large, stylized loop extends from the bottom of the signature line.